

ENTERED

February 07, 2024

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

IN RE:

**4E BRANDS NORTHAMERICA
LLC,**

Debtor.



CASE NO: 22-50009

CHAPTER 11

ORDER FOR STATUS CONFERENCE

On January 9, 2024, at ECF No. 603, the Official Committee of Unsecured Creditors of 4E Brands Northamerica, LLC (the “Committee”) filed what appears to be a common-sense plan modification that would allow Class 4 unsecured creditors to benefit from any potential recovery from Jackson Walker. Others may not view the proposed modification as a reasonable solution, and should have a full opportunity to object.

Only a proponent of a plan may propose its modification. 11 U.S.C. § 1127. Try as it might with allegations in its motion, the Committee was not a proponent of the Plan as envisioned by § 1127 of the Bankruptcy Code. It is not authorized to propose a modification.

The actual proponent of the plan was 4E Brands Northamerica LLC. Yet, 4E Brands Northamerica LLC is silent. Under the Plan, the Plan Agent “shall act as the sole manager, sole director, and sole officer of [4E Brands Northamerica LLC].”

On February 6, 2024 at ECF No. 623, the Plan Agent filed his “Plan Agent’s Plan of Action.” The Plan Agent states that he intends to make distributions in a manner that is consistent with the proposed modification. The Plan Agent’s statement appears to indicate an intent for the Plan Agent to exceed his authority under the confirmed Plan. He must comply with the confirmed plan, not avoid its provisions.

On February 15, 2024 at 9:00 a.m., the Court will conduct a status conference. The Plan Agent should attend, in person or remotely. He must be prepared to describe how he will cause 4E Brands Northamerica LLC to meet its duties under applicable law.

SIGNED 02/07/2024



Marvin Isgur
United States Bankruptcy Judge